

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

DEMPSEY WILLIAMS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO.: 1:13-CV-96 (WLS)
	:	
TRAVIS WILLIAMS, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

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**ORDER**

Before the Court is a Recommendation from United States Magistrate Judge Thomas Q. Langstaff in this excessive force and deliberate indifference case brought pursuant to 42 U.S.C. § 1983. (Doc. 25.) Defendants' Pre-Answer Motion to Dismiss sought to dismiss this case for failure to state a claim. (Doc. 14.) Defendants' Supplemental Motion to Dismiss sought to dismiss this case for failure to prosecute. (Doc. 22.) In the Recommendation, Judge Langstaff recommends that the Court deny as moot Defendant's Pre-Answer Motion to Dismiss (Doc. 14) and grant Defendants' Supplemental Motion to Dismiss (Doc. 22). Plaintiff did not file a response to Defendants' Supplemental Motion to Dismiss and has not filed an objection. (*See generally* Docket.) The time to do so has elapsed.

The last two orders of the Court have been returned as undeliverable and Defendants present evidence that Plaintiff has been released. (*See* Doc. 22-2.) Plaintiff has not filed any document in this Court since September 30, 2013, and failed to respond to Defendants' Supplemental Motion to Dismiss, although he was ordered to do so. (*See* Doc. 23.) In light of Plaintiff's inaction in this matter, the Court agrees with Judge Langstaff's finding that there is a clear record of delay or willful contempt by Plaintiff. Accordingly, this action is subject to dismissal under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Upon full review and consideration of the record, the Court finds that Judge Langstaff's Recommendation (Doc. 25) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein, together with the reasons stated and conclusions reached herein. Thus, Defendants' Supplemental Motion to Dismiss (Doc. 22) is **GRANTED** and Defendant's Pre-Answer Motion to Dismiss (Doc. 14) is **DENIED AS MOOT**. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED**, this 16<sup>th</sup> day of May 2014.

/s/ W. Louis Sands

**W. LOUIS SANDS, JUDGE**  
**UNITED STATES DISTRICT COURT**